

# Order

Michigan Supreme Court  
Lansing, Michigan

June 20, 2007

Clifford W. Taylor,  
Chief Justice

132439  
& (23)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

MICHAEL T. DOE, and PATSY R.  
DOE, Husband and Wife,  
Plaintiffs-Appellees,

v

SC: 132439  
COA: 271311  
Washtenaw CC: 02-000141-NH

JOHN HENKE, M.D., and ANN ARBOR  
ORTHOPEDIC SURGERY,  
Defendants-Appellants,

and

TRINITY HEALTH, d/b/a ST. JOSEPH  
MERCY HEALTH SYSTEM, d/b/a  
ST. JOSEPH MERCY HOSPITAL,  
Defendant.

---

On order of the Court, the application for leave to appeal the October 17, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted in light of *Miller v Chapman Contracting, Inc*, 477 Mich 102 (2007). The motion to reverse and remand is DENIED.

We do not retain jurisdiction.



10613

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 20, 2007

*Corbin R. Davis*

Clerk